

DEPT REF

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: Atsunobu SAKAMOTO et al.

Group Art Unit: 3742

Application Number: 09/980,659

Examiner: Stephen J. Ralis

Filed: April 4, 2002

Confirmation Number: 6654

For: **HEATER WIRE FOR DEVICE SUCH AS AN IMPULSE HEAT  
SEALER**Attorney Docket Number: 062017  
Customer Number: 38834**REQUEST FOR REFUND**Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

March 13, 2007

Sir:

The undersigned respectfully requests a refund of the fees paid in the subject application on December 15, 2006.

The fees of \$1,020.00 for the extension of time filed December 15, 2006 was paid in the subject application when a new CIP application was filed in response to the Office communication dated June 16, 2006 which was erroneously sent to the previous representative (Nancy Pappas) of the subject application by the U.S. Patent and Trademark Office (USPTO) even though the Submission of Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address accompanying Form PTO/SB/82 had been filed by the present representative (WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP: WHDA) and received by the USPTO on March 13, 2006.

This is indicated in the above Office communication "Responsive to communication(s) filed on 13 March 2006."

Request for Refund  
Application No. 09/980,659  
Attorney Docket No. 062017

Although the previous representative (Pappas) returned the original Office communication to the USPTO, she voluntarily forwarded a copy of the Office communication to Applicant in Japan and Applicant forwarded it to Applicant's new representative (WHDA).

When the new representative (WHDA) learned later that the previous representative (Pappas) returned the original Office communication, the new representative (WHDA) requested that the USPTO confirm the Submission of Revocation of Power of Attorney and the change of correspondence address by filing Second Submission of Power of Attorney And Statement Under 37 CFR §3.73(b) on August 17, 2006, and USPTO formally sent the same Office communication to the new representative (WHDA) on **February 2, 2007**.

However, when the new representative (WHDA) filed a new CIP application from the subject application on **December 15, 2006**, the new representative (WHDA) paid the extension fee for the subject application just to avoid possible treatment of abandonment by the USPTO. In view of the above USPTO's mailing error, we believe that Applicant was not required to pay the above extension fee and it is respectfully requested that the amount of **\$1,020.00** be credited to Deposit Account 50-2866.

Request for Refund  
Application No. 09/980,659  
Attorney Docket No. 062017

If the above request is not granted, Applicant requests that the Patent Office at least refund the amount of ~~\$510.00~~, the 50% excess of the fee paid, to Deposit Account 50-2866 since the extension fee of ~~\$1,020.00~~ is for a large entity and since Applicant is in fact a small entity, and the application is entitled to the reduced fees provided for small entities under 37 CFR 1.16.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Ken-Ichi Hattori  
Registration No. 32,861  
Telephone: (202) 822-1100  
Facsimile: (202) 822-1111

KH/TN/ya

Encls: Copy of Office communication dated Feb. 2, 2007  
Copy of Extension of Time filed Dec. 15, 2006 w/  
Copy of Check Stub and Date-stamped Postcard  
Copy of Notice of Acceptance of Power of Attorney dated Aug. 30, 2006  
Copy of Second Submission of Power of Attorney filed Aug. 17, 2006  
Copy of Office communication dated June 16, 2006  
Copy of Submission of Revocation of Power of Attorney with New Power of Attorney  
and Change of Correspondence Address filed March 13, 2006

2007 15 PM 4:29

Patent Division